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## The Nature of an Oath

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## "The Nature of an Oath"

By FRANK SWANCARA  
of the *Denver Bar*

Children offered as witnesses have frequently been compelled to disclose their understanding of "the nature of an oath."<sup>1</sup> Thus a prosecutrix, 8 years old, on being asked what would become of her if she told a lie, answered "I would go to hell." The Supreme Court of Alabama held this proved that she understood the "nature of an oath."<sup>2</sup>

The nature of the common law oath, as required of Englishmen, is disclosed by unreserved expressions of early judges. According to them, the answer of the Alabama child was incomplete, for an oath of a witness would imply that he or she would "go to hell" not for telling a lie, but for the violation of a promise to tell the truth. Chief Justice Willes made this clear by giving the following illustration:<sup>3</sup>

"It is in Matt. c. 14, v. 6 to 9 \* \* \* that Herod having *sworn* to Herodias that whatsoever she asked of him he would give it to her, though he was exceeding sorry when she asked of him the head of Saint John the Baptist, yet for his *oath's* sake \* \* \* he would not reject her." So Herod would have been given "hell" for the violation of the oath, but no divine punishment, nor even wrath, was feared for beheading John.

Chief Justice Willes also cited Lactantius on the point that ancient gangsters not "afraid even of committing murder \* \* \* durst not" break an oath. The idea was that if, for example, one vows to kill, he will be punished by a Diety for any breach of the implied promise or intention, and refusal to commit murder would not mitigate the offense or punishment. The Bible "is the foundation of the common law,"<sup>4</sup> and so, relevant to oaths, is the story of Jephthah who vowed that he would "offer it up for a burnt-offering" whatever would come forth from the doors of his home to meet him. "His daughter came out to meet him,"<sup>5</sup> and was later killed "according to his vow which he had vowed." The father did not expect Jehovah to punish him for slaying his "only child," but did fear a penalty for noncompliance with the vow.

The common law judges were not particular about oaths taken in foreign lands by Jews, Gentoos, or Mahometans, but an oath taken by an English gentile meant that the witness expected the punishments, if deserved, would be inflicted *after* death. How tenacious was that idea is evidenced by the fact that the highest court of Connecticut refused to qualify Hezekiah Scott because his belief was "that men were punished, *in this life*, for their sins, but would all be made happy, immediately after death, by their Creator."<sup>6</sup>

<sup>1</sup> 70 C. J. 101.

<sup>2</sup> Castleberry v. State, 135 Ala. 24, 33 So. 431 (1903).

<sup>3</sup> Omichund v. Barker, Willes Rep. 538, 125 Reprint 1310.

<sup>4</sup> Wyllly v. Collins, 9 Ga. 223, 237 (1851).

<sup>5</sup> Judges, c. 11, v. 34.

<sup>6</sup> Atwood v. Welton, 7 Conn. (2 Day, 2d series) 66 (1828).

It was the policy of the early judges not only to preserve the original "nature of the oath" for English subjects, but also to perpetuate the prevailing fear of hell. Justice Ashhurst regarded the sale of Thomas Paine's *Age of Reason* as a crime for the reason, among others, that the work had a tendency to strip the law "of one of its principal sanctions,—the dread of *future* punishment."<sup>7</sup>

When Daniel Webster was assailing that clause of Girard's will which excluded every "minister" from the premises of Girard College, he said:<sup>8</sup>

"But what would be the condition of a youth coming fresh from this college? He could not be a witness in any court. He had never been taught to believe in a *future* state of rewards and *punshments*,  
\* \* \*."

Webster, like the judges, refrained from answering the question, "punishments" for what? The dominant creeds and confessions of his time "taught" that the severest penalty "in a future state" would be for rejecting the doctrine of Redemption. Writing of the damned, a poet gave these lines:<sup>9</sup>

"For day and night, in their despite,  
Their torment's smoke ascendeth,  
Their pain and grief have no relief;  
Their anguish never endeth."

A New York court solemnly expressed its fear that Universalists would be made to suffer, not for perjuries or other secular misconduct, but for their faith in universal salvation, that is, for their heresy. The exact words of the judge, on that point, were:<sup>10</sup>

"And however much I may regret the existence of a creed which may *jeopardize* the *future* happiness of its possessor, \* \* \*."

Judges never explained how the oath taker can have a "dread of future punishment," in the words of Justice Ashhurst, if at the same time he adheres to a creed that permits escape by repentance and forgiveness. Judge Cullen, however, did remind that the oath is being taken by those who believe that one's "future state, whether of salvation or punishment, has been decreed from all eternity, regardless of faith or good works."<sup>11</sup> That was a judicial admission that it is, and has been, simply assumed that an oath taker has fears of divine punishment for perjury. Lawyers have not been deceived, and have cross-examined oath-bound witnesses for the purpose of testing their veracity or of inducing them to retract exaggerations. Even in the days when heresies did not arise, when litigants had oath-helpers, one man's oath was not as good as that of another, "a thegn's oath equalling those of six ceorls."<sup>12</sup> The

<sup>7</sup> Williams Case, 26 Howell's State Trials 654 (1897).

<sup>8</sup> Vidal v. Girard's Exrs., 2 Howard 126, 176 (1844).

<sup>9</sup> Michael Wiggelsworth, *The Day of Doom* (1662).

<sup>10</sup> Peo. v. Matteson, 2 Cowen 432 (1824).

<sup>11</sup> Brink v. Stratton, 176 N. Y. 150, 68 N. E. 148 (1903).

<sup>12</sup> White, *Making of the English Constitution* 25 (1906). A "ceorl" may have been a "churl." See Bouvier's L. D.

rule should have been the converse, or reverse, for a ceorl, rather than a thegn, would be terrified by Judge Jefferies' warning that "the bottomless lake of fire and brimstone" will receive the witnesses who "waver one tittle from the truth."<sup>13</sup>

After Universalists became numerous in New York, and persisted in denying hell, "rights of conscience" were respected, and lower courts there, and later appellate courts elsewhere, began to hold that an oath may assume any kind, place or length of divine punishment. Judges began to cite the fact that after Atkyns reported the opinion of Willes in 1744, that Chief Justice himself wrote out a revised opinion which referred to punishments "in this world or in the next."<sup>14</sup> As affecting Englishmen, that was *dictum*, for the court was deciding upon the validity of a purported oath of a Gentoo. The highest court of Connecticut refused to fall in line, but adhered to Willes as reported by Atkyns.<sup>15</sup>

The decisional shift with reference to the time and place of punishment resulted in no breaking of judicial silence on what act is punished, whether the falsehood or the breach of promise not to utter one. The revised opinion of Willes mentions the oaths taken with the contract "betwixt Isaac and Abimelech." An oath to prevent a breach of contract impiles that a breach otherwise would not be perilous. From a modern, and an American, report it may be found that during a court recess a minister instructed a child "that God would punish her if, *after taking the oath*, she testified what was not true."<sup>16</sup> Such instruction is revealing. It implies, also, that to lie when not under oath is theologically safe, and evidently this has been believed, judging by the multitudinous frauds since earliest times, and such warnings as *caveat emptor*.

The oath originated long before any mediaeval creed was formulated, and came to mean the making of a vow or promise to a Diety, yet Lord Coke thought all non-Christians, including Jews, could not make oath in England. The Supreme Court of Illinois said:<sup>17</sup>

"In early times Lord Coke laid down the rule as excluding all not Christians,—a rule as narrow, bigoted and *inhuman* as the spirit of fanatical intolerance and persecution which disgraced his age and country." The humanitarian court nevertheless excluded Ira Aldrich who had said:

"I feel obligated to tell the truth aside from the actions of the civil law, and aside from what others may think of me."

The trouble was that Mr. Aldrich had no opinions on divine punishments, and so could not testify, even to defend his own life or liberty.

<sup>13</sup> Quoted in sec. 1816 Wigmore on Evidence (2d ed.).

<sup>14</sup> *Peo. v. Matteson*, 2 Cowen 432 (1824).

<sup>15</sup> *Attwood v. Welton*, *supra*, note 5.

<sup>16</sup> *Com. v. Lynes*, 142 Mass. 577, 8 N. E. 408 (1886).

<sup>17</sup> *Central Co. v. Rockafellow*, 17 Ill. 541, 552 (1856).

Since most states have adopted the common law as it existed in 1607, when oath taking by Christians required a belief in *future* punishments after death, courts could plausibly hold that an oath now is the same as it was then, but to avoid disqualifying too many persons they assume that an oath is sufficient as such if the maker merely invokes the attention of his Diety, without regard to penalties. Opinions of Willes' associates in *Omychund v. Barker*<sup>18</sup> supply the authority.

Ordinarily, today, an oath must not be questioned or discussed, because a constitution or statute makes *all* persons competent as witnesses.<sup>19</sup> This is both just and practical, yet the Supreme Court Commission of Ohio published the following statement:<sup>20</sup>

"Under our constitution the character of a man's religious belief is not permitted to affect his competency as a witness; yet, to render him *competent to take an oath* as a witness, his moral nature must be strengthened \* \* \* by a belief in a supreme being, who will certainly, either in this life or in the life to come, punish perjury."

So hell may not yet be legally extinct, for the purpose of qualifying witnesses, or defining an oath. The fires still burn for Wyoming residents, since the note to section 89-1701 R.S. (Wyo.) 1931 cites as "applicable" the Ohio decision above quoted.

## Colorado University Revives Law Day

Law Day, another casualty of the war and post-war period, was revived this year on May 15 by the University of Colorado. The morning conference was devoted to a panel discussion of the rules concerning depositions and discovery and pre-trial procedure. Panel participants were Judge J. Foster Symes, Judge Joseph J. Walsh, Philip S. Van Cise, Ben S. Wendelken, and William H. Robinson, Jr., moderator. John O. Rames, former Denver attorney, presently director of extension of the University, and soon to be faculty member of the University of Wyoming, consumed the time of attending attorneys and guests with one of his delightfully nonsensical after-luncheon talks. Palmer Hoyt, editor of The Denver Post, was the evening after-dinner speaker. Colorado U. wins a vote of thanks from Colorado lawyers for reviving this interesting and worthwhile event.

## Personals

EDWIN JERSIN, formerly with Dickerson, Morrissey & Zarlengo, has removed his office to 902 Midland Savings Bldg., Denver.

<sup>18</sup> 1 Atkyns 22, 26 Eng. Rep. Reprint 15 (1744).

<sup>19</sup> Hronek v. Peo., 134 Ill. 139, 24 N. E. 861, 8 L. R. A. 837.

<sup>20</sup> Clinton v. The State, 33 Ohio St. 27 (1877).

## Progress of Denver Municipal Code Revision

By J. GLENN DONALDSON

*City Attorney, City and County of Denver*

At your request I am outlining the progress made and our tentative plans concerning future work in achieving the codification of the Denver municipal ordinances. This work was undertaken in July of 1947 and the first stage concluded on January 15, 1948.

The work was done by Mr. George Craemer, a Denver attorney, under the general supervision of this office. He was assisted by a staff of stenographers and typists which varied from one to five in number during the above noted period. As you know, our ordinances had not been compiled or codified since 1927 and the only source of information which could be depended on was that afforded by Mr. Siewers Fincher, City Clerk. A W.P.A. project of the mid '30's had bogged down after a reported expenditure of some \$10,000.00 and the material was in such shape it afforded no help to Mr. Craemer in his undertaking.

Two methods of approach were available to us last June when the project was in the planning stage. First, to place the project in the hands of some professional firm like Michie and Company, the compilers and annotators of the 1935 Colorado Statutes, or, second, to undertake the project locally under our direct supervision.

After several discussions with officials of Michie and Company, Bradford Robinson Printing Company of Denver and the Denver Bar Association Ordinance Codification Committee headed by Marmaduke Holt, we determined to undertake at least the first stage of the work locally. Our decision was based on several grounds, the most important being the newly appointed department heads to have available copies of ordinances involved in the operations of their departments at the earliest possible moment. Further, because of the uncertain status of our charter, to which many ordinances are tied, it seemed unwise to undertake the complete job until that uncertainty was resolved.

Our needs seemed best served by the immediate undertaking of a mere compilation of the ordinances together with a complete index. Such a compilation, and it is only that, appears in the forty-odd mimeographed five-volume sets which attorneys will find in the following locations:

- (1). The law libraries of the Majestic, Equitable, First National, E. & C., University and Symes Buildings.
- (2). The Justice and Municipal Courts.
- (3). The District Court, Supreme Court and Public Libraries.
- (4). Principal city departments.

We mimeographed an additional number of copies of the ordinance index. Copies of the index can be supplied for \$1.00, and while a number of

attorneys have obtained such copies, we still have 94 copies for sale. The index is handy to the practicing attorney because through a quick reference thereto one can learn whether or not there has been any ordinance enacted upon the particular subject since 1927 and if found, the body of the ordinance can be examined in the places above indicated.

It is well that I reiterate the materials at hand are mere compilations, that is, a bringing together of all general ordinances enacted since 1927. No attempt has been made to revise or edit such material and it does not cover ordinances enacted since October 1, 1947. It is our intention to pick up subsequently enacted ordinances and issue a supplement to the compilation in the near future.

The compilation now available to attorneys will be of no earthly good to them unless they read and understand the preface to the index in Volume V; I cannot over-emphasize this fact. It may be of interest to know that the cost of the work to date is approximately \$5000.00.

### **The Second Stage**

We originally contemplated undertaking of the second stage of the project during the summer of this year and postponing our decision until that time whether to continue the work locally or farm it out to a professional ordinance codifying firm. Inquiry made of one such publisher indicated a further cost of between \$12,000.00 and \$15,000.00. However, while awaiting the outcome of the charter case, we are experimenting with a different approach to the problem. A member of this staff is serving as executive secretary to the Building Code Revision Committee. When that work is completed I intend to assign her to the revision of miscellaneous police ordinances, most of which are antiquated and a number of which are unquestionably unconstitutional. If this approach proves successful up to that point, the reviser would be assigned to the various departments to work with the department head and others to bring our ordinance law into step with practices.

The speed in which the final publication date of the code is reached under this method depends largely upon the size of the personnel assigned to the task but it may take as long as two years. It is our present thinking that the completed work, under this system of subject by subject revision, would be in much better form than either of the two previously considered methods.

We have deeply appreciated the consideration given to the problem at hand by the bar association committee and I know that from time to time we will have need to call upon its members for their further advice. We invite the criticisms and suggestions of all practicing attorneys to the end that we eventually have an accurate and satisfactory code of municipal legislative enactments.

## Upon Information and Belief

### Ordinance Revision

In this issue of DICTA is an article by Denver City Attorney J. Glenn Donaldson giving the status of the revision of the Denver municipal code and asking for suggestions. DICTA, *Upon Information and Belief*, makes these suggestions. In the first place, we are glad that Mr. Donaldson saw fit to have the work done to date done by local talent, and we hope that he will continue to have all work on the municipal code done by local people. In the first place, we think that Denver lawyers are just as competent as persons residing abroad to codify, compile, arrange and index Denver ordinances. In fact we think local attorneys are better qualified than are non-resident attorneys. We feel that Denver lawyers who have practiced in Denver and have had to familiarize themselves with some of the local ordinances are more likely to know under what titles Denver lawyers will look for ordinances than are persons who approach it purely from a theoretical standpoint. We also feel that Denver lawyers are more likely to know than are non-residents what ordinances are enforced, and what ordinances are not enforced, what ordinances are still in effect and what ordinances have fallen into disuse, and in this latter connection we do not feel that there should be any republication of the code until there has been a substantial overhauling of the present ordinances with a weeding out of numerous obsolete provisions. For example, we know of no good reason why it should be necessary to continue to prohibit the picketing of any animal between the hours of 7:00 p.m. and 6:00 a.m. We also note a provision requiring every streetcar to sound its gong when approaching within sixty feet of any intersection. Whether this ordinance is desirable or not, it certainly is not being respected.

We congratulate Mr. Donaldson on the work that has been done to date. We are heartily in accord with a new codification by local people, and we hope that this codification will be completed at the earliest possible date. We wish to make this suggestion for the future. We feel that after the new codification is published, Denver lawyers should have available either in annual cumulative supplements or in looseleaf or other supplementary form published either by the city or by the bar association, all amendments to the ordinances, so that any lawyer may be able to advise a client on the status of the municipal law without having to make a trip to the court house to visit the City Clerk's office or the City Attorney's Office, make personal inquiries of the persons who have personal knowledge of the subject or use a crystal ball or an ouija board. No one can be expected to respect and obey the law, unless he can know what the law is. For twenty years it has been impossible for Denver residents to know with certainty what the law was on any given subject. This condition should never be permitted to exist in the future.



### **More Stuff Needed**

Attention is directed to the invitation appearing on the title page of this magazine: "The submission to the editors of articles of interest to the legal profession is invited." For a number of months the editors of DICTA had a surplus of material available. This created the problem of publishing the articles most current and most pressing at the time of publication. Also, because of this some available articles were taken out of the hands of the editors and published in other publications. The situation has now completely reversed itself, and the editors are very desirous of receiving additional material. We trust that the experiences in the past will not discourage authors from submitting articles at this time.

In submitting articles we recommend that authors keep in mind the following suggestions:

First, the articles should be as concise as possible while yet covering the points to be covered.

Second, articles discussing a subject of general interest are more acceptable than articles discussing a subject of limited interest. The more likely a particular point is to be encountered by a large number of the members of the bar, the more desirous is its publication in DICTA. Even though very specific points may be discussed, if the particular point is likely to be encountered by a substantial number of practicing attorneys, the fact that the point is specific does not detract from the desirability of the article from the publication standpoint.

A more adequate coverage of the activities of the local bar associations and their committees and of the state bar association and of its sections and committees is desired.

### **Back Issues of Dicta Available**

The editors have on hand a limited supply of many of the back issues of DICTA. Any attorney wishing to fill out a set of DICTA may have any of the back issues to the extent of their availability by addressing the editor, Hubert D. Henry, 620 E. & C. Building, Denver. Please give the number of the issues desired when writing for back issues.

### **Arthur T. Vanderbilt—Man of Action**

In our opinion, one of the greatest men alive today is Arthur T. Vanderbilt. Mr. Vanderbilt is outstanding in his ability to convert ideas into action. During his presidency of the American Bar Association (1937-1938) the Judicial Administration section of that association brought forth its comprehensive report on improving the administration of justice which has done so much to stir up interest and activity in this program. He was chairman of the Advisory Committee on Military Justice of the War Department, chairman of the Advisory Committee of the United States Supreme Court on

Rules of Criminal Procedure, member of the Attorney General's Committee on Administrative Procedure, chairman of the committee that brought about the adoption of legislation creating the administrative office of the United States courts, and chairman of the National Committee on Traffic Law Enforcement. As Dean of the New York University School of Law, he was the inspiration and founder of the annual survey of American Law and the Law Center. He had been selected as the director of the survey of the legal profession and had plans for the survey well underway when he was appointed to become chief justice of New Jersey and thus the head of the New Jersey courts under the new judicial provision which will go into effect September 15. As chief justice, it will be his task to reorganize the courts of New Jersey under the new constitution adopted by that state last year, including the drafting of rules of procedure. His appointment as chief justice is the logical outgrowth of the tremendous amount of time he has devoted to improving the administration of justice and the reorganization of courts, particularly in his own state.

Typical of Mr. Vanderbilt's philosophy is the following statement of his idea of the Law Center: "Fortunately, we have learned the art of co-operation in the Restatement of the Law by the American Law Institute, in the work of the Advisory Committees of the Supreme Court on Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure, and the American Bar Association is about to apply it to its projected Survey of the Legal Profession. Where and by whom must the task be done? Obviously not by busy judges on the bench, nor by harassed legislators in Congress or at the state capitol, nor by overburdened chief executives or department heads nor by the captains of industry or labor, nor by law-school professors alone, but by leaders of each of these groups working together and submitting their product to the frank criticism of the rank and file. This is my vision of a Law Center. Thus it is my hope that the new building to be erected on Washington Square, with architecture reminiscent of the Inns of Court, Independence Hall, and the buildings at Charlottesville designed by Jefferson, may be one center of a nationwide movement that will mold our law to the needs of the times, assuring to our people for another century and a half the supremacy of law, a government of law and not of men, and above all individual liberty."

### **Lawyers in the Public Service**

L. WARD BANNISTER, past president of the Denver Chamber of Commerce, has been re-elected to the board of directors of the United States Chamber of Commerce for the sixth consecutive term.

BARNARD A. HOUTCHENS, Greeley, has been appointed by Governor Knous to the Board of Trustees of the Colorado teachers' colleges. He fills the vacancy created by the recent death of E. Tyndall Snyder.

## Colorado Supreme Court Announces Rule Amendments

The Colorado Supreme Court has adopted the following amendments to its rules:

### Rules 201 and 204

Rule 201, Rules of Civil Procedure, '35 C. S. A., be and the same is hereby amended by adding thereto the following provision:

"Subject to prior approval by the Court, each member of the Law Committee may appoint an assistant, who shall receive for his services One Hundred Dollars, (\$100.00) for each examination in which such assistant participates."

Rule 204, Rules of Civil Procedure, '35 C. S. A., be and the same is hereby amended to read as follows:

"204. *Affidavit as to Qualifications—Examination Fees.*—Every applicant shall accompany his application with an examination fee, which shall be Fifty Dollars (\$50.00) for applicants in Classes A and B, and, after July 5, 1948, Fifteen Dollars (\$15.00) for applicants in Classes C and D, and shall attach thereto his own affidavit stating that he is a citizen of the United States; that he believes in the form of government thereof, and has never been disloyal thereto; that he is over the age of twenty-one years (giving his age); that he is a citizen of Colorado (giving his address); that he has never been convicted of a felony; and, if admitted, it is his intention to begin the practice of law within this State, or the teaching of law in an approved law school in Colorado, within three months from the date of his admission, and to make the same his permanent and usual occupation.

"Out of every examination fee paid by applicants in Classes A and B a sum not exceeding Thirty-five Dollars (\$35.00) shall be paid over to the Bar Committee to defray the expenses of the Committee's investigation of the character of such applicant."

Regularly adopted and approved by the Court on May 6, 1948.

### Rule 117

Rule 117 of the Rules of Civil Procedure is hereby amended to read as follows:

"Rule 117—*Oral Arguments.*—Oral arguments may be had on final hearing only by order of court, either on its own motion or on separate written request or motion therefor filed by a party at any time prior to the expiration of 15 days after the time when the reply brief may be filed; provided, however, that should the court conclude to make a final determination of any cause on application for supersedeas, oral argument will be allowed thereon if a separate motion therefor be filed before the expiration of 5 days from the time the reply brief may be filed. The clerk shall give the attorneys

notice of the date set for argument. Arguments will be limited to 30 minutes to a side unless the court extends the time upon request filed before the date of argument has been set. If a case is argued orally in department, a party may during the argument request further oral argument should the case be heard by the court *en banc*, and failure to make such request shall constitute a waiver of the privilege. Oral argument will not be permitted on petition for rehearing. Failure to file opening, answer or reply brief shall preclude the party so failing from demanding oral argument. Reading of written or printed arguments or lengthy citations will not be permitted."

Effective June 3, 1948, and applicable to all pending cases.

### **Denver Bar Trustees Increase Dues**

A meeting of the Board of Trustees and officers of the Denver Bar Association was held on May 6, 1948.

The following officers and trustees were present:

|                      |                         |
|----------------------|-------------------------|
| Horace F. Phelps     | M. B. Holt, Jr.         |
| Sydney H. Grossman   | Stanley H. Johnson      |
| Foster Cline         | T. Raber Taylor         |
| Edward G. Knowles    | William Hedges Robinson |
| Richard Tull         | Alex B. Holland         |
| W. Clayton Carpenter | Donald M. Leshner       |
| Caldwell Martin      |                         |

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That the annual dues to the Denver Bar Association for the fiscal year from July 1, 1948, to June 30, 1949, shall be \$15.00; provided, however, that the annual dues shall be \$7.50 for any member who shall have been admitted on examination to practice law in Colorado for three years or less at the time that the annual dues are payable.

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That the annual dues to the Denver Bar Association be, and they hereby are, waived to the end of the first fiscal year in which a member is admitted on examination to the practice of law in Colorado.

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That any person who has previously been a member of the Association may be reinstated to membership by payment of the

current dues in full and a reinstatement fee in the amount of \$5.00; provided, however, that if such person has previously been dropped from membership for cause other than non-payment of dues, his name shall first be submitted to the Board of Trustees and reinstatement shall be granted only upon majority action of said Board.

It was moved, seconded, and unanimously carried that the following resolution be adopted:

RESOLVED That the following members of the Denver Bar Association who shall have practiced law in Colorado for fifty years or more by June 30, 1949, be granted honorary life memberships under the By-Laws of the Denver Bar Association:

|                   |                            |
|-------------------|----------------------------|
| James D. Benedict | Admitted August 8, 1898    |
| Orville L. Dines  | Admitted April 6, 1899     |
| William E. Hutton | Admitted January 26, 1899  |
| F. R. Lilyard     | Admitted August 15, 1898   |
| Herbert M. Munroe | Admitted February 10, 1898 |
| I. B. Melville    | Admitted January 26, 1899  |
| Horton Pope       | Admitted February 13, 1893 |

It was moved, seconded and unanimously carried that the following resolution be adopted:

RESOLVED That the following members of the Denver Bar Association, having retired from the active practice of the law, be granted honorary life membership, without dues, because of eminence and honorable record at the bar:

Richard Peete  
John D. Rogers

It was moved, seconded, and unanimously carried that the Secretary draft a resolution expressing the gratitude of the Denver Bar Association to the Trust Departments of the Denver Clearing House Banks for the publication and distribution of the Wills and Estates pamphlet.

It was moved, seconded, and unanimously carried that the attitude of members of the Denver Bar Association be canvassed so that the Board of Trustees may be directed in the adoption of a program of activity for the association for the approaching year. Sydney H. Grossman, Foster Cline, W. Clayton Carpenter, and Stanley H. Johnson were appointed as a committee to prepare a questionnaire to be distributed among the members of the association. Edward G. Knowles and Horace F. Phelps were constituted as a committee to consider the employment of an executive secretary, his compensation and secretarial assistant, to investigate the rental of suitable office space and cooperate with the Colorado Bar Association, and were granted full authority to act.

## Admitted to a Higher Court

HARRY P. VORIES, dean of Pueblo attorneys, died May 5 of a heart attack at the age of 85. He was active in the practice until the time of his death.

JAMES H. PERSHING died April 3 at the age of 84. He was born at Mount Pleasant, Pennsylvania, December 27, 1863. He was graduated from Princeton University in 1888 and began law practice in Pittsburgh in 1890. He moved to Denver in 1892. He was a member of the first charter convention of Denver, and was professor of medical jurisprudence at Colorado University from 1910 until 1927. An expert in municipal law, he was the senior member of one of Denver's leading law firms. He was active in civic, charitable and church affairs. He has served as a member of the Bureau of Child and Animal Protection, Colorado Civil Service Commission, president of the Denver Board of Charities and Correction, member of the Public Library Commission, trustee of Denver University, president of the United Charities and the Community Chest, chancellor of the Episcopal Diocese of Colorado, delegate to the general convention of the church, member of the sixth province on the National Council of the Protestant Episcopal Church of America. He was a member of the Mile-High Club, the Denver Club and the Rocky Mountain Princeton Club.

ROBERT S. GAST died April 4 of a heart attack in Denver. He was 68. A former president of the Colorado Bar Association, he was one of Colorado's best known attorneys. He took an active interest and part in bar association meetings and activities, including those of the American Bar Association. He graduated from Yale University and Columbia Law School. He has practiced law in Pueblo since 1905. A former law partner was the late Senator Alva B. Adams. At the time of his death he practiced in partnership with his son, Robert S. Gast, Jr., a member of the Colorado General Assembly. He was legal adviser for several banks. During World War I he was a commissioned aide to the adjutant general. He was active in Red Cross work during and after the war and was relief agent during the Pueblo flood in 1921. He was a member of Phi Delta Phi, Denver Club, University Club of Denver, Cactus Club, Mile-High Club, Minnequa Club of Pueblo, Yale Club of New York, Pueblo Commercial Club and the Elks.

EARLE F. WINGREN died April 18 at 47, of a heart attack. He was born May 28, 1901 in Cheyenne, Wyoming, and came to Denver as an infant. He began practicing law in 1925 in Denver after graduating from Westminster Law School. He was associated in practice with his brother, Ivor O. Wingren, member of the Board of Governors of the Colorado Bar Association and former Assistant United States Attorney. He was a Mason, member of the Lakewood Country Club, Denver Press Club, and Augustana Lutheran Church. He was an ardent fisher and hunter.

LEWIS C. RUSH died at the age of 59 in Madisonville, Kentucky. He had practiced law in Denver for thirty years, and maintained offices in the E. & C. Bldg.. He had served as deputy district attorney under his cousin, John A. Rush, before World War I. He held bachelor and master degrees from the University of Michigan.

MORTON M. DAVID died at his Denver home of a heart attack. He was born in Aspen in 1888. From 1910 to 1917 he served as an officer for the Colorado State Humane Society. He graduated from Westminster Law School. He entered the army in 1917, and after his discharge helped to form the American Legion, in the affairs of which he was a national figure. He was the first adjutant of the Legion in Colorado and helped organize the Leyden-Chiles-Wickersham Post. In 1929 he was named national vice commander. He organized and conducted the junior American Legion baseball tournaments in the 1920's. He was a member of Temple Emanuel.

## **Inadequacy of Notice Provision for Obtaining Treasurers' Deeds**

By LAWRENCE M. HENRY

*of the Denver Bar, Member of the Colorado General Assembly*

Section 255, Chap. 142, '35 C. S. A., defining conditions precedent to the issuance of treasurers' deeds requires notice of purchase for taxes "on every person in actual possession or occupancy of such lands, lots or premises," but the provision that such notice may be served "by personal service or by registered mail" in my opinion is inadequate. Nor does the publication requirement provide the necessary protection to the occupant owner, since such publications are so seldom read by lay people.

The alternative of serving by registered mail is too often followed. Since personal service is not the exclusive means of service the easier method of mailing a notice is more often used. Unlike the requirement of Rule 4 (g) (1) relating to service of summons and that of Section 253, Chapter 176, relating to probate citations and notices to sell real estate where service is not complete until there is filed a return receipt signed by the addressee, service has been held to be complete when the notice has been registered and deposited in the mail bearing the proper post office address (*Ford v. Genereaux*, 104 Colo. 17). There is no requirement that return receipt be obtained, let alone that it be signed by the addressee only. Since service is complete upon mailing it seems to me that the additional charge of registering the letter is sheer waste. Registering a letter is a method by which its progress and receipt might be checked and as the statute is now written receipt is not pertinent.

The statute's emphasis upon mailing and not upon receipt has caused this situation to arise and which is soon to be litigated outside of Denver. The county treasurer concerned directed the registered letter to the owner occupant giving as her address the postoffice of the community in which she actually lived. However, her mail was delivered to her house by the usage of her street address and a postal zone of a large city nearby. She in fact never collected her mail at the small postoffice and there were no delivery facilities from it. The registered letter in time was returned uncalled for and without serving its purpose of notifying the owner-occupant that a treasurer's deed had been requested by the tax certificate purchasers. But it is being argued that the envelope was properly addressed and the procedure entirely valid.

I cannot see any validity to the argument that the Rules and the section in the chapter on estates both relate to court procedures and therefore greater care to assure notice is required. Loss of ownership of property is just as serious notwithstanding the method involved.

I recommend that the next session of the legislature amend Section 255 to provide that service on the occupant of the premises be by personal service or by registered mail evidenced by a return receipt signed by addressee only.

### **Army Needs Attorney to Serve in Austria**

The Department of the Army in connection with its work in supervising the administration of liberated countries is in urgent need of the services of an attorney-advisor to serve in Vienna, Austria. This position is under the protection of Civil Service although it does not confer permanent Civil Service status. It is rated under the Civil Service scale at P-5, the pay for which is \$5905.20, augmented by a 25% overseas differential, making a total annual salary of \$7381.50. Living conditions in Austria compare favorably to those of the U. S. All normal civilian facilities are available through Army sources. The Government will pay the employee's transportation from the U. S. to Austria and also the cost of return at the termination of his two-year contract. Dependents will be able to accompany the employee to Austria or to join him within a very short time at Government expense. The Government will make available adequate housing facilities at a reasonable cost.

The duties of this position are: to represent the U. S. element in the Quadripartite Legal Sub-Committee; to render legal opinions, either verbally or in writing, on questions involving Austrian law; to translate laws, legal documents and correspondence involving legal terminology from German into English and from English into German; to review cases tried by the Austrian courts in the U. S. Zone in order to assure that democratic principles of trial are observed; and to maintain liaison with the Austrian Ministry of Justice and Austrian court authorities.



From the above duties it will be seen that the following must be minimum qualifications: Approximately 10 years actual legal practice in U. S.; complete fluency in the German language to include German legal terminology; some knowledge of Austro-German law.

Any persons who feel that they possess the above qualifications are urged to apply to the Personnel and Training Branch, Civil Affairs Division, Department of the Army, Pentagon, Washington 25, D.C., for further information and consideration for this post. Application should be made in quadruplicate on Form 57, Application for Federal Employment, which may be obtained at any post office.

## **Short Course in Municipal Court Procedure**

By HUBERT D. HENRY

*Presiding Judge, Municipal Court, Denver*

Although many lawyers never appear in the Municipal Court, and many others seldom appear, a brief summary of some of the practices in this court will not be out of the way, particularly as these rules of practice are nowhere else recorded, thus making it necessary for the lawyer to rely entirely on personal observation and the observations of other attorneys with whom he might discuss matters. Even though attorneys appear in but a small proportion of the cases in the Municipal Court, the importance of the Municipal and Justice Courts in the judicial structure cannot be over emphasized, particularly when one considers the tremendous volume of cases handled, and further when one realizes that, because of the small amounts involved and the impracticability of appeals, these courts are in 99% of the cases courts of last resort.

Some attorneys appear rather regularly in the Municipal Court. Some appear quite infrequently. Almost every attorney will at some time make an appearance in this court. Friendship, relationship, desire to champion one believed to be greatly wronged, will sometimes bring into the Municipal Court eminent counsel who would never come into this court for the maximum fee possible to realize in such cases. So it is that this brief summary, although possibly not of immediate use to many, may at any time become of use to any practicing attorney.

### **Court Organization**

The Municipal and Justice Court of Denver has four divisions. Division 1 is presided over by Judge Edward C. Day. Division 2 is presided over by Judge David Oyler. These two divisions meet in the City and County Building, and try cases involving regular justice of the peace jurisdiction, both civil and criminal. Division 3 is presided over by Judge Frank E. Hickey, and tries

cases involving municipal ordinance violations, except traffic. Division 4 is presided over by Judge Hubert D. Henry, and tries violations of the municipal traffic ordinances. These two divisions sit in the Police Building. The four judges may and do exchange divisions on occasion, and also assist one another in disposing of cases when occasion demands. The balance of this paper will discuss procedure in Divisions 3 and 4 only, particularly the traffic court, Division 4.

### **Continuances**

Continuances are not granted as a matter of right, but only as a matter of discretion. The proper way to get a continuance is to get in touch with the officers in the case in advance of the date of trial and agree with them as to the continuance. This gives the officers an opportunity to notify witnesses not to appear. It is an imposition on witnesses, and other defendants when there are more than one defendant in the same incident, to allow them to appear in court and then ask for the continuance, which would make them return at a future date. Many of these persons lose time at their work, don't want to appear anyway, and won't appear the second time when a continuance is granted under these circumstances. Therefore, the judges are very hesitant to grant continuances unless arrangements have been made in advance of the date of trial with the officers so that witnesses do not appear unnecessarily. Second continuances are practically never granted.

### **Process**

Summonses and subpoenas are issued either by the clerk or a deputy clerk of the court, or by a member of the police department. Under an ordinance passed this year, a summons or subpoena issued by a member of the police department is a good summons or subpoena, and failure to appear in response to such a summons or subpoena can be penalized. Under this ordinance any summons or subpoena is to be served by a police officer.

### **Defaults**

Under the ordinance passed this year, if the defendant does not appear when his case is set for trial, the court may take the testimony of the appearing witnesses and enter judgment by default against the defendant. This can be done as actions for the violation of a municipal ordinance are civil, not criminal, actions. If the defendant is out on bond, judgment by default can be entered, and the bondsman directed to produce the defendant within the time fixed by the court, or pay his fine.

### **Witness Fees and Costs**

Every witness appearing in response to a written subpoena is entitled to witness fees of \$1.50 for each session attended. These fees must be claimed

at the time of the trial, and are added to the fine of the defendant, if the defendant is found guilty. If the defendant is discharged, the witnesses are still entitled to their fees. Regular costs in the Municipal Court for actions for the violation of a municipal ordinance have been done away with, and at present the only costs one will encounter in these cases are the \$1.00 fee for making bond, the \$1.50 fee for an appeal, and witness fees. Under this year's ordinance, several violations of one defendant arising out of a single incident or series of incidents may be consolidated for the purposes of filing complaint, serving process, trial and appeal (but not fixing the fines), so on an appeal there is a single fee of \$1.50 in the Municipal Court and \$7.50 in the County Court, replacing the former \$1.50 and \$7.50 for each charge.

### **Trial**

Because of the great number of cases to be tried, approximately 3500 a month, it is impossible to permit a leisurely conduct of a case. The most expedient way of trying a case is to receive the statement of the case from the officer and from each principal. After these statements have been received, cross examination by the city and the defense is permitted, and then other witnesses may be examined and cross examined. Usually the statement of the case by the officer is merely a summary of the apparent facts, which includes matters other than evidence, so a cross examination of the officer is not particularly fruitful. Receiving the statements of the officer and the principals first is in accord with practice in other courts when we consider the preliminary statements of counsel in a civil or criminal trial, or when we consider pre-trial procedure. These statements reveal the position of each defendant, show where the positions of the respective defendants are at variance, and thus upon what facts further inquiry must be made. Handling a trial in this manner greatly shortens the presentation of a case.

In trying municipal ordinance violation cases, attorneys should remember that the sole issue is whether or not the ordinance was violated, and the presentation of evidence should be limited to this issue and matters in extenuation, mitigation and aggravation. Negligence and other damage issues are not in issue, and evidence bearing on negligence, but not on the question of the violation of the law, is impertinent and merely prolongs trial without benefit. Some attorneys attempt to take depositions for following damage actions in the Municipal Court. This seems to me to be a waste of time and money because some questions which might be pertinent and important in a damage case are impertinent and unimportant in an ordinance violation case, and such questions cannot be brought out in the violation trial, whereas they could be brought out at the deposition hearing if regularly conducted. Negligence and law violation are not the same issue. I have seen cases where there could well have been negligence, but no violation of

the law, and I have also seen cases where there was a violation of the law, but undoubtedly no negligence. In accident cases, it is often true that both drivers violated an ordinance, and that both drivers were guilty of negligence. However, violation and negligence are two different issues and should be tried separately, and attorneys, particularly those representing insurance companies, should not consider the finding of the court on the law violation determinative of the question of negligence.

### **Order of Cases**

At the present time, afternoon dockets are very heavy and morning dockets are light. This means that an attorney must sometimes sit through a large part of a long afternoon docket before his case is reached. It is unfortunate that this situation exists. Two shifts of officers set their cases for afternoon. One shift is the one that works from 8 P.M. to 4 A.M. The officers on this shift are trying cases while off duty and during what corresponds, roughly, to the middle of the night for us. The other shift trying afternoon cases is the shift which works from noon to 8 P.M. These officers are on duty, but while in court are not available for law enforcement purposes. Some cases take longer than others. Sometimes a dozen cases are tried in one hour and the next hour is devoted to one case. The disposition of a lot of small cases early in the docket meets the convenience of more taxpayers and citizens than the trial of one long case first, and a lot of small cases late in the afternoon.

All these various considerations make the arranging of cases on a docket a difficult job, with no one really satisfied. It probably happens that, in trying to give first considerations first attention, under the pressure of a long docket, some errors are made.

### **Traffic Tickets**

In conclusion, a brief statement as to the method of handling traffic tickets may be in order. The law does not guarantee that innocent people will not have to stand trial. The law does try to assure a fair trial for all persons accused of an infraction of the law. So it is that a traffic ticket may be issued to a person who does not deserve it. That person has the right to be tried for the offense, and if found innocent to have the charges dismissed. Any person who receives a traffic ticket which he does not think he deserves should arrange with the clerk of the violations bureau or another deputy clerk of the court to have the case set for trial. The officer will be notified, and the officer and alleged violator will appear in court at the time set, and the charge will be tried just as any other charge is tried. Traffic tickets are not tried over the telephone or by mail. They are all tried in court. Persons who receive traffic tickets are given an opportunity to have the charges heard in court, but they are not given an opportunity to discuss the merits of their tickets privately with the judge, the Manager of Safety and Excise, or a police officer.

## **Practicing Law Institute Summer Session**

Trial techniques with lectures, demonstrations and panel discussions will be among the high lights of the ten courses in the seventh annual summer session for lawyers to be conducted by the Practicing Law Institute in New York City beginning July 6.

A four weeks' program has been announced by Harold P. Seligson, director. Sessions again will be held in the United States Court House where lawyers from 37 states attended lectures and clinics last summer.

In addition to two weeks on trials and related subjects, the program includes the following: General Practice, Current Problems in Patent Law, Current Problems in General Practice, Current Problems in Labor Law, Federal Taxes and Tax Procedure, and Tax Planning and Practice. Classes will meet from 9 a.m. to 1 p.m. and 2:30 to 4:30 p.m. each day, Monday through Friday, excepting the first week which includes several night sessions because of the Independence Day holiday.

Preparation as the foundation of successful court work is emphasized in the Trial Practice course scheduled for the week of Monday, July 19. Beginning with marshalling the evidence the lectures to be given at morning sessions discuss step by step the preparation of typical civil cases. Techniques and tactics to be employed under various circumstances are the keynotes of the program. The afternoon sessions will be devoted to negligence cases and the handling of actions involving personal injuries.

The second part of the trials program, scheduled for the week of July 26, consists of technique demonstrations and medico-legal jurisprudence. Each four-hour morning session will present a part of a typical trial followed by detailed analysis and evaluation of the tactics and strategy employed. Actual court-room conditions will be recreated. The afternoon lectures are aimed to provide medical knowledge needed by attorneys in handling personal injuries actions and claims under life insurance policies.

Simultaneously with the trials program, the summer session will provide two weeks of federal taxation. The course on Federal Taxes and Tax Procedure during the week of July 19 presents the basic aspects of income, gift and estate taxes and related practice and procedure. This course is planned to provide a working knowledge of the tax laws and of the techniques adapted to handling typical tax matters. Guidance in analyzing and planning a client's affairs for future tax savings will be given by lectures and clinic sessions in the course on Tax Planning and Practice during the week of July 26.

The four weeks' program will be opened with two intensive four-day lecture courses, from July 6 through July 9, one on general practice and the other on current problems in the patent field. The general practice course deals with the preparation of documents and explanations of strategy and

tactics in conducting negotiations and proceedings, working methods and the techniques of the expert in various phases of a general law practice.

Major current problems in patent law in the light of their business background and trends will be discussed by experienced practitioners, each an expert in his particular field. They will explain step by step how they handle typical problems in securing and exploiting patents, litigation and developing inventions.

These will be followed, during this week of July 12, by courses on current problems in general practice and on current problems in labor law. The former provides a comprehensive discussion of current techniques for the handling of typical matters involving clients' business affairs, investments and estates, including a review of the tax aspects.

The lectures on labor law are intended for general practitioners as well as those engaged in labor work. The lectures analyze the amended National Labor Relations Act and other provisions of the law and explain the various phases of the work of lawyers in labor-management problems.

Appropriate institute monographs and related problem analysis supplements are furnished as texts in the courses on general practice, trial practice and taxation. Selected monographs from the institute's five series are included in several other courses. Text materials will be forwarded in advance to enrollees if desired.

Lawyer war veterans entitled to educational benefits under the GI Bill of Rights may participate in the summer session and have all their fees, including the cost of text materials, paid by the Veterans Administration. Additional information may be obtained from the Practicing Law Institute, 57 William Street, New York City.

Schedules are so arranged that although two different courses are in progress at all times, related courses are given in weekly sequence. The program for the four weeks follows:

July 6 to 9—General Practice; Current Problems in Patent Law.

Week of July 12—Current Problems in General Practice; Current Problems in Labor Law.

Week of July 19—Federal Taxes and Tax Procedure; Trial Practice; Negligence Cases.

Week of July 26—Tax Planning and Practice; Trial Technique Demonstrations; Medico-Legal Jurisprudence.

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# DICTA

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JULY, 1948

No. 7

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## Calendar

July 22, 23 and 24—Tenth Judicial Circuit annual conference, United States District Court room, Post Office Bldg., Denver.

September 6, 7, 8 and 9—American Bar Association annual meeting, Seattle, Washington.

October 4—Denver Bar Association regular monthly luncheon meeting, 12:15 P.M.

October 14, 15 and 16—Colorado Bar Association annual meeting, Broadmoor Hotel, Colorado Springs.

## Special Prize Offered for Best Essay on Colorado Administrative Law

A special prize of One Hundred and Fifty Dollars to a Colorado lawyer for the best essay on the Administrative Law of the State of Colorado has been authorized by the Board of Governors of the Colorado Bar Association.

This special prize is in addition to the One Thousand Dollar prize which the American Bar Association will give for the best essay submitted from any state. The rules for the contest were published in DICTA, May 1948 issue. The final date of submissions is December 31, 1948. The American Bar Association is attempting to stimulate research leading to the improvement of state administrative law. Most of the past research has been devoted to federal administrative law, overlooking the importance of state administrative law. Further information may be had from Milton J. Keegan, Colorado Chairman of the essay contest being conducted by the Section of Administrative Law of the American Bar Association, First National Bank Bldg., Denver.

## Colorado Bar Association Law Institute at Grand Junction

A law institute was held at Grand Junction by the Colorado Bar Association on Saturday, June 26th. The subject of "Oil and Gas Law" was covered by Milton J. Keegan at the morning session. The afternoon session was devoted to "Real Estate Title Standards" by Edwin J. Wittelshofer, and the "1948 Federal Revenue Laws" by T. Raber Taylor. The Institute ended with a banquet under the auspices of the Mesa County Bar Association.



## **Annual Conference of the Tenth Judicial Circuit**

DENVER, COLORADO

UNITED STATES DISTRICT COURT ROOM, POST OFFICE BUILDING

JULY 22, 23, AND 24, 1948

*Members of the Bar are cordially invited and urged to attend the sessions of the Judicial Conference.*

### **P R O G R A M**

**THURSDAY, JULY 22, 1948, 9:30 A.M.**

HONORABLE ALFRED P. MURRAH, United States Circuit Judge, presiding.

Address of Welcome—HONORABLE JAMES QUIGG NEWTON, Mayor, City of Denver, Colorado.

#### **Pre-trial Clinic**

At this Clinic, pre-trial demonstrations of two or more actual cases, either from transcript of previous pre-trials or the actual pre-trial of cases, will be given by each of the following Federal and State Judges:

HONORABLE EUGENE RICE, United States District Judge, Eastern District of Oklahoma.

HONORABLE ROYCE SAVAGE, United States District Judge, Northern District of Oklahoma.

HONORABLE BOWER BROADDUS, United States District Judge, Eastern, Northern, and Western Districts of Oklahoma.

HONORABLE WILLIAM A. BLACK, District Judge, Second Judicial District of Colorado.

HONORABLE JOSEPH J. WALSH, District Judge, Second Judicial District of Colorado.

Discussion of pre-trial technique and procedures, HONORABLE JOHN M. MEIKLE, District Judge, Fourth Judicial District of Colorado.

HONORABLE EDGAR S. VAUGHT, United States District Judge for the Western District of Oklahoma, presiding:

Discussion of the work of the Committee on Pre-trial Procedure of the Conference of Senior Circuit Judges, HONORABLE ALFRED P. MURRAH, Chairman.

Advantages of pre-trial order in preparation of record on appeal, HONORABLE B. CARTWRIGHT, Clerk, United States Circuit Court of Appeals, Tenth Circuit.

General discussion of pre-trial procedure.

# ENTERTAINMENT PROGRAM

*Sponsored by the Junior Bar Conference of the Colorado Bar Association*

6:00 P.M. Thursday, July 22, 1948, Refreshments, University Club.

7:00 P.M. Thursday, July 22, 1948, Dinner, University Club.

(Tickets for the dinner may be obtained from Robert B. Cartwright, Clerk, Circuit Court of Appeals.)

## FRIDAY, JULY 23, 1948, 9:30 A.M.

HONORABLE ARTHUR J. MELLOTT, United States District Judge for the District of Kansas, presiding:

Address, HONORABLE BOLITHA J. LAWS, Chief Justice, United States District Court for the District of Columbia, Washington, D. C.

Address, WALTER M. BASTIAN, Treasurer, American Bar Association, Washington, D. C., "*The Lawyer and the Public.*"

Address, RICHARD A. CHAPPELL, Chief of Probation, Administrative Office, United States Courts, Washington, D. C., "*Probation in the Federal Courts.*"

Address, HOWARD N. SCOTT, Chief Probation Officer, Northern District of Oklahoma, Tulsa, Oklahoma, "*Probation.*"

General Discussion, Probation in the Federal Courts.

Report by HONORABLE HENRY P. CHANDLER, Director, Administrative Office, United States Courts, on Legislation affecting the Courts, 80th Congress.

HONORABLE J. FOSTER SYMES, United States District Judge for the District of Colorado, presiding:

Report of Committee to devise and suggest a plan for the several districts of the Tenth Circuit to effect cooperation between the Judges, the United States Attorneys, and representatives of the lay public to improve the administration of justice in the several districts, HONORABLE ALFRED P. MURRAH, Chairman.

Discussion of Report of Lay Committee for Reviewing Courts for the District of Kansas, HONORABLE ARTHUR J. MELLOTT.

Report of Committee on Economies in the District Courts of the United States of the Tenth Circuit, HONORABLE EUGENE RICE, Chairman.

Report of Committee on Ways and Means of Economy in the Circuit Court of Appeals, Tenth Circuit, HONORABLE ROBERT B. CARTWRIGHT, Clerk of the Court.

*Should the program not be completed by time of adjournment Friday evening, the Conference will continue at 9:30 A.M., Saturday, July 24, 1948.*